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The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 35

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TECHNOLOGY CENTER 2800

Ex parte HYE-YOUNG LEE

Appeal No. 2003-1142
Application 09/118,100¹

HEARD: February 17, 2004

Before KRASS, BARRETT, and DIXON, Administrative Patent Judges.
BARRETT, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) from the final rejection of claims 1, 2, 5-8, 11, and 12.

We reverse.

¹ Application for patent filed July 17, 1998, entitled "Mobile Telephone Capable of Displaying World Time and Method for Controlling the Same."

BACKGROUND

The invention relates to an apparatus and method for providing local time information for a plurality of cities in the world. A "reference time" is either a time set by the user or a system time acquired from a signal received from a remote system (e.g., a sync channel message); as claimed, the "reference time" is acquired from a signal received from a remote system. A clock circuit provides "elapsed time" from the "reference time." "Greenwich Mean Time (GMT)" is stored for each of a plurality of cities. The time in a selected city is determined from reference time, the elapsed time, and the difference between the GMT of the selected city and the GMT of a present location.

Claim 1 is reproduced below.²

1. An apparatus for displaying local time information, comprising:

means for storing Greenwich mean time (GMT) information for each of a plurality of cities;

means for acquiring a reference time from a signal received from a remote system;

means for counting a duration of time that elapses from when said reference time is acquired;

² The examiner states that "receiving" in claims 1 and 6 in the appendix should be "acquiring" (examiner's answer, Paper No. 24, p. 3). Appellant notes in the reply brief (Paper No. 26) that in the amendment (Paper No. 19) filed July 24, 2002, "acquiring" in claims 1 and 6 was proposed to be changed to read "receiving." The examiner denied entry of the amendment in the advisory action (Paper No. 20) entered February 26, 2001. The wording does not affect our decision.

means for selecting at least one of said plurality of cities and automatically calculating a local time of said selected city, said local time being based on a difference between the GMT of said selected city and the GMT of a present location of said apparatus, said reference time and said elapsed time; and

means for outputting said local time.

THE REFERENCES

The examiner relies on the following references:

Klausner et al. (Klausner) 5,375,018 December 20, 1994
Whitmore 6,108,277 August 2, 2000
(filed June 15, 1998)

THE REJECTION

Claims 1, 2, 5-8, 11, and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Whitmore and Klausner. The examiner finds that Whitmore teaches the claimed subject matter except for acquiring a reference time from a signal received from a remote system (examiner's answer, p. 4). The examiner finds that "Klausner discloses an apparatus for displaying local time information based on a present location of said apparatus wherein the reference time is acquired from a signal received from a remote system [col. 1: lines 44-55]" (examiner's answer, p. 5).

We refer to the final rejection (Paper No. 18) and the examiner's answer (Paper No. 24) for a statement of the examiner's rejection, and to the brief (Paper No. 23) (pages referred to as "Br__") for a statement of appellant's arguments thereagainst.

OPINION

For purposes of appeal, the claims are grouped to stand or fall together with claim 1 (Br3). We agree that claim 1 is representative.

Appellant argues (Br4): (1) Klausner does not disclose acquiring a reference time from a remote source; and (2) Whitmore and Klausner do not disclose automatically calculating a local time of a selected city based on a difference between the GMT of the selected city and the GMT of a present location of the apparatus, the reference time, and an elapsed time.

Whitmore discloses a wristwatch having a conversion apparatus for converting GMT to current local time for a plurality of predetermined geographical sites (abstract; col. 8, lines 29-62). The "reference time" is apparently input manually by the user since no other method of input is described. Whitmore is a timepiece and therefore keeps "elapsed time." The time at the present location in Whitmore is the reference time plus the elapsed time. Whitmore impliedly uses the difference between the GMT of selected location and the GMT of the present location in conjunction with the current time (which is the reference time plus the elapsed time) to calculate a time for the selected location. The examiner is correct in finding that Whitmore does not disclose "means for acquiring a reference time from a signal received from a remote system."

Klausner discloses a device for determining the geographical location of a traveler and the local time at that location (col. 1, lines 44-47). The location is determined based upon a comparison between broadcast radiowave frequencies received at the location and a table of locations for radio stations which broadcast at those radiowave frequencies (abstract). Also stored in correspondence with each location is information indicative of the offset hour from 0 to 24 with respect to GMT that represents the time zone in which the stored location is found, or an algorithm may be used to correlate the location with an offset hour (col. 3, lines 53-60; col. 8, lines 40-45). The "reference time" is apparently input manually by the user since no other method of input is described. Klausner is a timepiece and therefore keeps "elapsed time." When the location is determined using the received frequencies, the device retrieves the current time (which is the reference time plus the elapsed time) of the clock and the previous GMT offset in the watch and uses the offset with respect to GMT to adjust the hour (col. 6, lines 50-52), i.e., Klausner uses the difference between the GMT of selected location and the GMT of the present location in conjunction with the current time (which is the reference time plus the elapsed time) to calculate a time for the selected location. When Klausner discloses that "the time is reset in a timepiece in accordance with the retrieved time information by

the microcontroller" (col. 1, lines 56-58), the "retrieved time information" is the time and previous offset hour information in the watch, not time information retrieved from the frequencies.

The operation of Klausner can be described with respect to Fig. 2. The initial location is Chicago; the Chicago time is 10:17 a.m. (from an initial "reference time" set by the user and an "elapsed time" kept by the clock circuitry); and the hour offset from GMT is 6 hours. When the traveler arrives in New York City, the device automatically determines the location (not the time) from the received frequencies, determines the hour offset from the table (5 hours), and resets the time using the previous offset time (a 1-hour difference); so, if the time upon arrival is 1:47 p.m., the time is reset to 2:47 p.m.

Importantly, the received frequencies are not time signals as the examiner apparently assumes. Nor is a "reference time" "received" or "acquired" from a signal from a remote system--only location is "acquired," indirectly, from the signals. Whitmore and Klausner are similar except that Klausner determines the location from radio frequencies while the user manually sets the location in Whitmore. Neither Whitmore nor Klausner discloses "means for acquiring a reference time from a signal received from a remote system" and, therefore, they also do not disclose automatically calculating a local time of a selected city using

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such a reference time. Accordingly, the rejection of claims 1, 2, 5-8, 11, and 12 is reversed.

REVERSED

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